IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

MONDAY, THE 26TH FEBRUARY 2007 / 7TH PHALGUNA 1928

WP(C).No. 4931 of 2007(K)

PETITIONERS:
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1. K.VINAYAKUMAR, AGED 38 ,
S/O.KARUNAKARAN, PUTHENTHARA, PALLIPURATHUSSERY,
VAIKOM, KOTTAYAM.

2. SREELA VINAYAKUMAR, AGED 33,
W/O.VINAYAKUMAR, PUTHENTHARA, PALLIPURATHUSSERY,
VAIKOM, KOTTAYAM.

BY ADV. SRI.M.K.DAMODARAN (SR.)
SRI.A.PARVATHI MENON
SRI.P.SANJAY

RESPONDENTS:
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1. STATE OF KERALA REPRESENTED BY THE
STATION HOUSE OFFICER, VAIKOM POLICE STATION.

2. THE CIRCLE INSPECTOR OF POLICE,
VAIKOM, KOTTAYAM.

3. THE DIRECTOR GENERAL OF POLICE,
THIRUVANANTHAPURAM.

4. M/S.SURYA INVESTMENTS,
VAIKOM, REPRESENTED BY ITS MANGING PARTNER,
K.SHAJI,'KRISHNASURYA', PALLIPURATHUSSERY,
VAIKOM.

5. M/S.SURYA JEWEL PARK,
VAIKOM, REPRESENTED BY ITS MANAGING PARTNER,
K.SHAJI, S/O.LATE KARUNAKARAN,
'KRISHNASURYA', PALLIPURATHUSSERY.

6. K.SHAJI, MANAGING PARTNER,
SURYA INVESTMENTS & SURYA JEWEL PARK,
'KRISHNASURYA', PALLIPURATHUSSERY, VAIKOM.

7. K.BABU, PARTNER, SURYA JWEL PARK,
'SIVASURYA' CANAL SIDE, VAIKOM.

8. P.K.HARIKUMAR, MUNICIPAL CHAIRPERSON,
VAIKOM MUNICIPALITY, VAIKOM.

9. ACTION COUNCIL OF SURYA INVESTORS,
VAIKOM, KOTTAYAM REPRESENTED BY ITS CONVENOR,
PUSHKARAN MASTER, SREENILAYAM EAST GATE,
VAIKOM.

BY ADV. SRI.T.A.SHAJI
SRI.BABU PAUL FOR R7
SRI.O.V.MANIPRASAD FOR R9
GOVERNMENT PLEADER SRI.P.A.SALIM.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 26/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

1)	EXT.P1:	COPY OF THE LAWYER NOTICE DATED 28.5.05.
2)	EXT.P2:	COPY OF THE RECONSTITUTED PARTNERSHIP DEED WITH RESPECT TO SURYA INVESTMENTS DATED 5.9.05.
3)	EXT.P2(a):	COPY OF THE RECONSTITUTED PARRTNERSHIP DEED WITH RESPECT TO SURYA JEWEL PARK DATED 5.9.05.
4)	EXT.P3:	COPY OF THE INTIMATION MADE OT THE REGISTRAR OF FIRMS.
5)	EXT.P4:	COPY OF THE COMPLAINT FILED IN C.M.P.NO.4570/2006.
6)	EXT.P5:	COPY OF AGREEMENT DATED 5.11.06.
7)	EXT.P6:	COPY OF THE NO OBJECTION DATED 18.11.2006.

RESPONDENT'S EXHIBITS:

1)	EXT.R7(1):	COPY OF THE CRIME NO.726/06.
2)	EXT.R9(a):	COPIES OF THE FIXED DEPOSIT RECEIPTS DATED 23.5.2005 AND 26.10.2000.

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BKN // TRUE COPY //

P.A. TO JUDGE.

J.B.KOSHY & T.R.RAMACHANDRAN NAIR, JJ.

W.P.(C).NO.4931 OF 2007

Dated this the 26th day of February,2007.

JUDGMENT

Koshy, J.

This is a petition alleging police harassment. A firm called Soorya Investments and Soorya Jewel Park received various deposits from the public. On the allegation that the partners cheated the public, several criminal cases are filed against them. According to the Director General of Prosecution about more than Four Crores rupees were misappropriated. The petitioners are now on anticipatory bail. Whether petitioners were active partners of the firm, whether they have any role in the alleged cheating etc. can be decided only after adducing evidence. It is also submitted that steps have already taken to sell the properties and settle the liabilities. It is submitted that sixth respondent was in jail for some time. This court will not interfere with the investigation process. The only direction that can be given is that the investigations shall be conducted strictly according to law. An apprehension was expressed by the counsel for the petitioners that they will be compelled to make some agreement by the police. Director General of Prosecution stated that such allegations are not correct, but, petitioners and other partners had undertaken that they

will sell the property to discharge their liability, if any, to the public. According to the respondents 6 and 7, petitioners alone were not arrested though petitioners are responsible for the situation. Petitioners obtained anticipatory bail. We are not expressing any opinion on the merits of the case as it is in the investigation stage.

We dispose of this Writ Petition with a direction that investigation shall be conducted according to law. If the investigation goes beyond the powers of the investigating officer, the petitioners are free to approach the jurisdictional Magistrate or higher officers.

J.B.KOSHY, JUDGE.

T.R.RAMACHANDRAN NAIR, JUDGE.

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